

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

WRIT PETITION No. 6935 OF 2006

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Between:

Syed Mahmood Ali

..... Petitioner

AND

The Government of India,
Ministry of Urban Development & Poverty &
Deviation Department of Urban Development &
Poverty Alleviation,
New Delhi
Rep. by its Secretary & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri T. Sudhakar Reddy

Counsel for the respondent No.2 : Special Government Pleader

Dated: 05.01.2007

Per G.S.SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayer:

“ It is therefore prayed that this Hon’ble Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus to the respondents to consider the scheme of rehabilitation of the petitioner as per the plans filed by the Municipal Corporation of Hyderabad dated 4.5.1996 before this Hon’ble Court or in any other suitable place with a further direction to the respondents not to resort to any coercive steps of evicting the petitioners from the place of his business till the scheme of his rehabilitation is finalized by the respondents, while setting aside notice issued by Municipal Corporation of Hyderabad to the petitioner dated 2.1.2006, declaring the action of the respondents as illegal, arbitrary, unconstitutional and violative of principles of natural justice or otherwise, the petitioner would be put to irreparable and irretrievable loss and injury of losing their livelihood.”

At the hearing, Shri T. Sudhakar Reddy, learned counsel for the petitioner gave out that his client has submitted application dated 21.07.2006 for being allowed to carry on his business activity in the alternative site as per the extant policy, but the same has not been decided.

Shri A. Satya Prasad, learned Special Government Pleader says that the application made by the petitioner for being permitted to carry on his business activity in the alternative area in the identified zone will be considered and decided by the competent

authority of the Municipal Corporation within one month.

In view of the statements made by the learned counsel, the writ petition is disposed of with the direction that the application made by the petitioner for grant of permission to carry on business at the alternative site shall be considered and decided by the competent authority i.e. Additional Commissioner (Planning), Municipal Corporation of Hyderabad within one month keeping in view the extant policy, and the same shall be communicated to the petitioner at the end of one month's period.

In view of disposal of the writ petition in the manner indicated above, we direct that for a period of six weeks from today, the petitioner shall be allowed to carry on his business activities at the present site. If, within this time, permission is granted to the petitioner to do his business activity at the alternative site, then he shall have to shift from the present even before the expiry of six weeks period.

As a sequel to disposal of the writ petition, W.P.M.P.No. 8927 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

05.01.2007

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